

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

AVALON HOLDINGS CORP.,

Plaintiff,

v.

GUY GENTILE and  
MINTBROKER INTERNATIONAL, LTD.

Defendants.

Index No.: No. 18-Civ-7291-VSB

**AFFIDAVIT**

**AFFIDAVIT OF MINTBROKER INTERNATIONAL LIMITED  
IN SUPPORT OF ITS MOTION TO DISMISS**

I, ANTONIO COLLIE, PRESIDENT of MintBroker International, Ltd (Bahamas) being duly sworn, hereby, under risk of penalty and perjury, do solemnly, sincerely, and truly declare and affirm:

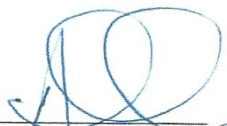
1. In or about June 29, 2018, MBI, a Bahamas-based company, placed several orders for shares in New Concept Energy Inc., a Dallas-Texas-based energy company, buying the stock with cash.
2. On Friday, June 29, 2018, MBI timely reported its purchases by filing an SEC Form 3.
3. The following Monday, which was after MBI placed its orders and paid for the shares, but (MBI now believes) before some or all of the trades settled, the price of New Concept Stock began to rise. Believing that most of the shares MBI attempted to purchase were sold by individuals who did not actually have possession of the shares, i.e., a “naked short sale” and fearing that the trades it entered the previous week would fail to settle because the sellers did not have the shares to deliver, MBI exited the position. As a result, it is unclear whether MBI ever took possession of some or all of the shares it purchased prior to the weekend.

4. MBI properly filed its Form 13D disclosing that it did not own more than 5% of NCE shares.
5. In or about July 27, 2018, MBI placed several orders for shares in Avalon Holding Corp. an Ohio-based waste management company.
6. However, by the afternoon on July 27, the price of Avalon Class A shares was rising and MBI became concerned that it had placed orders that had been filled electronically by market makers selling naked short, raising the possibility of failed trades.

Dated: December 20, 2018

Sworn to before me this  
20<sup>th</sup> day of December 2018

  
Notary Public

  
MintBroker representative

